

(2006) 04 AHC CK 0188
In the Allahabad High Court

Case No : Criminal Miscellaneous Bail Application No. 3874 and 3875 of 2006

Awadh Nath Upadhyay (In Jail)

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision : 17-04-2006

Acts Referred:

Citation : (2006) 04 AHC CK 0188

Hon'ble Judges : G.P. Srivastva, J

Bench : Single Bench

Advocate : P.N. Tripathi and V.P. Srivastava, for the Appellant; Praveen Kumar, Vibha Srivastava and A.G.A., for the Respondent

Final Decision : Dismissed

Judgement

G.P. Srivastva, J.—Heard learned Counsel for the parties.

2. These are two applications for bail by the applicant Awadh Nath Upadhyay of both the cases, The applicant has lodged a F.I.R. on 3.5.05. During investigation he was found guilty and he was made accused along with co-accused Harihar Prasad Shukla.

3. The applicant was posted as Marketing Inspector Mariyahun. He was given charge of Marketing Centre Mariyahun from one Uma Shanker Sharma. According to the F.I.R. version on 8.1.05 he directed marketing assistant Harihar Prasad Shukla to get the loading and unloading of the food grains from the godown and keep the key of the godown with him In the mean time the applicant was transferred from Mariyahun and charge was to be handed over to Jai Hind Gupta. He directed to Harihar Prasad Shukla to hand over charge but he absconded. On verification various shortage in food grains were found.

4. During investigation it was revealed that the applicant was incharge of the Godown and Harihar Prasad Shukla was working under him. He has no authority to hand over charge of the Godown without prior approval of his immediate Officer to any person. It appears that both the accused persons in collusion with

one another misappropriated the food grains and the applicant shifted his responsibility to Harihar Prasad Shukla. As regards the other case there is allegation that the applicant was entrusted with the purchase of paddy during the period from 6.1.05 to 2.5.05. After transfer he has not handed over any charge. During investigation it was found that he has embezzled rice worth Rs. 4 Lacs, Wheat worth Rs. 1 Lac and empty bags worth Rs. 3 lacs and paid Rs. 2 lacs through cheque. It was argued by the learned Counsel for the applicant that the empty bags are lying in the Godown and no body has come to take charge.

5. In view of above discussions it is clear that the applicant who was entrusted with the charge of respective Godown has embezzled food grains with connivance of his subordinate. No ground for bail is made out. The bail application is rejected.